



കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെട്ടതുന്നത്

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Part I

Law Department

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2022





GOVERNMENT OF KERALA

ABSTRACT

LAW DEPARTMENT—ADVOCATE GENERAL’S OFFICE-ERNAKULAM-THE KERALA DESTRUCTION OF RECORDS (ADVOCATE GENERAL’S OFFICE) RULES, 2021-APPROVED—ORDERS ISSUED

LAW (INSPECTION) DEPARTMENT

G. O. (Rt) No. 1172/2021/Law.

Dated, Thiruvananthapuram, 23rd December 2021.

Read:—Letter No. SS GK-15/2021/AG dated 24-9-2021 of the Advocate General.

ORDER

Government in having examined the proposal forwarded by the Advocate General vide letter read as above, are pleased to approve the Kerala Destruction of Records (Advocate General’s Office) Rules, 2021.

By Order of the Governor,

V. HARI NAIR,
Law Secretary



**THE KERALA DESTRUCTION OF RECORDS
(ADVOCATE GENERAL'S OFFICE) RULES 2021**

Preamble

In exercise of the powers conferred by clause (c) of Subsection (2) of section 2 of the Kerala Destruction of Records Act 1961, (Act 2 of 1962), the Advocate General with the previous approval of the Government, hereby makes the following Rules for the disposal by destruction or otherwise, of the documents in the possession or custody of the Advocate General's Office.

1. *Short title and commencement.—*

- (1) These Rules may be called the Kerala Destruction of Records (Advocate General's Office) Rules, 2021.
- (2) They shall come into force from the date of publication in the Gazette of Kerala.
- (3) These Rules shall regulate destruction of records in all the Offices of the Advocate General.

2. *Definitions.—*

- (1) In these Rules unless the context otherwise requires, Court Case refers to cases filed before the Supreme Court of India, High Court of Kerala, Administrative Tribunal of Kerala, and other Judicial Bodies in which the Government of Kerala is a party arraigned.
- (2) Permanent Preservation (R-Disposals) unless the context otherwise require, means preservation for a period of thirty years.

3. *Records treated as having reached completion.—*

- (1) Records related to Court cases shall be treated as having reached completion on the date of the final order issued by the respective Judicial body.
- (2) Judgments/Final Orders in all cases where Government is a Party should be forwarded to all the Offices concerned immediately after receipt of the certified copy. Legal Opinion of the Government Law Officers must be obtained if the Court decision is adverse to the interests of the Government or if any Government Officer requests for it. The legal opinion must get the approval of the Advocate General/ Additional Advocate General. Such approved legal opinions should be forwarded to the officers concerned within 45 days after receipt of approved opinion.
- (3) All the records/files/documents received from other offices for the conduct of case shall be returned to the respective offices before sending a case file to the record room.
- (4) Records related to Administrative and Accounts matters shall be treated as having reached completion on the date on which such records were closed or final orders passed thereon; provided all audit formalities have been completed and accepted by the audit.



4. *Destruction of Records.*—

- (1) All records and registers/files shall be consigned to the record room from the date of completion, till the expiry of the period prescribed under these Rules and on expiry of such period they shall be destroyed invariably. Provided, important record may be retained even after the expiry of its period of preservation. In such cases it shall be so ordered and the period of preservation specified. The Advocate General is empowered to permit destruction of records before their normal preservation period if it is felt that preservation for such period is unnecessary.
- (2) The destruction of records shall be carried out in the presence of the Secretary to Advocate General or any other Officer authorised by him in that behalf. A list of records ripe for destruction shall be prepared every year according to the instructions contained in the Office Manuals applicable to the Office.
- (3) ‘R-Disposals’ shall be examined 30 years after their disposal and thereafter orders shall be passed by the Advocate General whether they should be retained further or not.

5. *Manner of Destruction of Records.*—

- (1) For destruction of case records a fresh Index in the form of Annexure I shall be prepared. The Judgments and Legal Opinions will be separated from the case file, got numbered and entered in the Index.
- (2) The records ordered to be destroyed shall be torn to small pieces and sold to approved contractors at the rates fixed by the Government. Gazettes, Pamphlets, etc., need not, however, be torn.

6. *Classification of Records.*—

The period of retention of registers and files related to court cases are shown in Annexure II. The period of retention Registers and files related to administrative and financial matters, are shown in Annexure III.

7. *Saving clause.*—

- (1) Notwithstanding anything contained herein, so long as an appeal/special leave petition/Revision/Contempt or any other proceedings lie before any judicial forum/authority, arising from a court case, such court case must not be destroyed even though the period of retention of the record might have expired.
- (2) The period of retention of any record relating to a court case/administrative matter/financial matter not specified in the Annexures II and III hereunder shall be decided by the Advocate General
- (3) These rules shall supersede orders issued as HK & R2-12933/15 dated 12-4-2021 and all other orders issued hitherto, for destruction of records in the office of the of Advocate General.



ANNEXURE-I

FORM OF INDEX

(Records Related to Court Cases in the Advocate General's Office)

<i>Sl. No.</i>	<i>Case No.</i>	<i>Date of Judgment</i>	<i>Date of Approval of Legal Opinion</i>	<i>Date of Sending Legal Opinion</i>	<i>Date Sending to Records Section</i>	<i>Date of Destruction</i>	<i>Remarks</i>



ANNEXURE-II

Records Related to Court Cases in the Advocate General's Office

<i>Sl. No.</i>	<i>Nomenclature</i>	<i>Period of Preservation</i>
1	Writ Petition (Civil)	3 years from the date of final judgment in Case no appeal/ Contempt Petition/Review/SLP against the final judgment pending before any Judicial Forum/Authority
2	Writ Petition (Criminal) (Habeas Corpus Cases)	„
3	Writ Appeal	„
4	Land Acquisition Appeal	„
5	Civil Revision Petition	„
6	Regular First Appeal & Appeal Suit	„
7	Second Appeal/Regular Second Appeal	„
8	Civil Miscellaneous Appeal/First Appeal from Orders	„
9	Cases of other Courts	„
10	Transfer Petition (Civil)	„
11	Transfer Petition (Criminal)	„
12	Company Petition & Company Appeal	„
13	Criminal Revision Petition	„
14	Criminal Appeal	„
15	Criminal Miscellaneous Case	„
16	Bail Application	„
17	Motor Accidents Claim Appeal	„
18	Arbitration Appeal	„
19	Arbitration Request	„
20	Sales Tax Appeal	„
21	Tax Revision Case/Sales Tax Revision	„
22	Other Tax Revision	„



<i>Sl. No.</i>	<i>Nomenclature</i>	<i>Period of Preservation</i>
23	Other Tax Cases	3 years from the date of final judgment in Case no Appeal/ Contempt Petition/Review/SLP against the final judgment pending before any Judicial Forum/Authority
24	Other Tax Appeal	„
25	Miscellaneous First Appeal	„
26	Civil Miscellaneous Cases (Pauper Suit)	„
27	Matrimonial Appeal	„
28	Insurance Appeal	„
29	Devaswom Board Cases (DBA, DBP, DBAR and Sabarimala Special Commission Report)	„
30	Original Petition (Civil)	„
31	Original Petition (Criminal)	„
32	Original Petition (Kerala Administrative Tribunal)	„
33	Original Petition (Central Administrative Tribunal)	„
34	Original Petition (Tax)	„
35	Original Petition (Wakf Tribunal)	„
36	Original Petition (Labour Court)	„
37	Original Petition (Forest Tribunal)	„
38	Original Petition (Debt Relief Tribunal)	„
39	Original Petition (Family Court)	„
40	Original Petition (Rent Control)	„
41	Original Petition (Motor Accident Claim)	„
42	Execution First Appeal	„
43	Execution Second Appeal	„



<i>Sl. No.</i>	<i>Nomenclature</i>	<i>Period of Preservation</i>
44	Miscellaneous Second Appeal	3 years from the date of final judgment in Case no Appeal/ Contempt Petition/Review/SLP against the final judgment pending before any Judicial Forum/Authority
45	Appeal from Appeal	,,
46	Contempt of Court Cases	,,
47	Contempt of Court Cases Appeal	,,
48	National Green Tribunal Cases (OA)	,,
49	Revision Petition (Juvenile Justice)	,,
50	Original Application (CAT)	,,



ANNEXURE-III

**Records Related to Administrative and Financial
matters in the Advocate General's Office**

<i>Sl. No.</i>	<i>Name of Record</i>	<i>Period of Preservation</i>
1	Attendance Register	3 years
2	Aquittance Roll	10 years
3	Cash Book	30 years
4	Permanent Advance	30 years
5	Personal Register	3 years
6	Administration Reports	30 years
7	Bill/Vouchers/Receipts	10 years
8	Appointment/Promotion Files	10 years
9	Deputation/Transfer/Posting Files	3 years
10	Despatch Register	3 years
11	Faircopy Register	3 years
12	Stamp Account	3 years
13	Call Book	3 years
14	Liability Register	30 years
15	Service Book	30 years
16	Register of Contingent Expenditure	10 years
17	Increment Register	3 years
18	TA Register	10 years
19	Budget Papers	10 years
20	Charge Reports	3 years
21	Casual Leave Register	3 years
22	Local Delivery Book	3 years
23	Minutes of Conference	3 years
24	Running Note File to PR	3 years
25	Distribution Register	3 years



<i>Sl. No.</i>	<i>Name of Record</i>	<i>Period of Preservation</i>
26	Periodical Register	3 years
27	Security Register	10 years
28	Register of Stock/Furniture	30 years
29	Register of Recoveries	30 years
30	Catalogue of Library Books	10 years
31	Circular/Office Orders	3 years
32	TR5 Receipts	30 years
33	LA Inter Pellation	10 years
34	Right to Information Files	10 years
35	Pension Papers	30 years
36	Establishment Register	Permanent
37	Purchase of Computers & Stationery	30 years

